

STATE OF VERMONT
PUBLIC SERVICE BOARD

Dig Safe Notice No. 591

In Re: Comcast, Alleged Violation of September 10,)
2008, as reported by Comcast)

Order entered: 10/7/2009

ORDER RE: NOTICE OF PROBABLE VIOLATION

Background

1. Pursuant to 30 V.S.A. § 7001 et. seq., and Vermont Public Service Board Rule 3.800, the Vermont Department of Public Service ("Department") issued a Notice of Probable Violation of Underground Utility Damage Prevention System ("NOPV") to Comcast ("Respondent").
2. Incident Date: September 10, 2008
3. Incident Location: 27 Lawrence Heights, Jericho, VT
4. Name and Address of Company that Reported the Incident to the Department: Comcast, 676 Island Pond Road, Manchester, NH 03109
5. Date Incident Reported to Effected Utility: September 10, 2008
6. Date NOPV issued by Department: July 31, 2009 (#1558)
7. Department's Statement of Evidence Supporting the Alleged Violation: "Comcast submitted an Underground Facility Damage Report to the Dept. of Public Service which described damage to the company's underground facilities resultant from excavation activity. It also indicated the company, or its assigns, did not accurately locate or mark the underground facility. The department confirmed the excavator had properly notified Dig Safe System Inc. of the proposed excavation prior to the excavation. The Department of Public Service issued 9 Notices of Probable Violation (NOPV's) to Comcast during the 12 months preceding this incident."
8. Statute, Rule, Regulation or Order Allegedly violated: 30 V.S.A. § 7006
9. The Department's Recommended Remedial Action(s) (Including Civil Penalties): Civil penalty in the amount of One Thousand Two Hundred Dollars (\$1,200.00).

10. The Respondent has agreed to take the remedial action(s) recommended by the Department.¹

Conclusion and Order

Because the Respondent has not contested the NOPV, or the allegations therein, we conclude that the remedial action proposed in the NOPV is appropriate, and should be imposed.²

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

Within thirty days of the date of this Order, Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, d/b/a Comcast, shall pay a civil penalty in the amount of One Thousand Two Hundred Dollars (\$1,200.00) by submitting to the Public Service Board a check in that amount made payable to the State of Vermont, and sent to the Public Service Board at 112 State Street, Montpelier, VT 05620-2701.

Dated at Montpelier, Vermont, this 7th day of October, 2009.

_____)	
_____)	PUBLIC SERVICE
_____)	
s/David C. Coen)	BOARD
_____)	
_____)	OF VERMONT
s/John D. Burke)	

OFFICE OF THE CLERK

FILED: October 7, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.

1. See, Respondent's filing of 8/20/09.

2. See, Public Service Board Rule 3.807(G).